



**"Jim Tyrrell"**  
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03/22/2006 06:06 PM

To <coordination@fec.gov>  
cc  
bcc  
Subject Comments on Supplemental NPRM on Coordinated Communications

Dear Mr. Deutsch:

I have attached comments on the Supplemental Notice of Proposed Rulemaking on Coordinated Communications from Don McGahn, General Counsel at the National Republican Congressional Committee.

Best Regard,

Jim Tyrrell

*James E. Tyrrell, III*

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**Comments on Supp NPRM Coordination.pdf**



**National Republican Congressional Committee**

**Donald F. McGahn II**  
**General Counsel**

March 22, 2006

Brad C. Deutsch, Esq.  
Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Comments on the Supplemental Notice of Proposed  
Rulemaking on Coordinated Communications

Dear Mr. Deutsch:

The National Republican Congressional Committee, by and through its undersigned counsel, hereby submits these comments to the Commission on its Supplemental Notice of Proposed Rulemaking on Coordinated Communications, which asked for comment on data compiled by the Commission regarding television ads run by Presidential, Senate and House candidates during the 2004 election cycle. These comments will focus on the spending of House candidates.

The data compiled by the Commission chronicles spending by House campaigns. It does not reflect spending by non-campaigns (in other words, those most likely to be covered by the Commission's coordination rules).

Although it does not include spending by non-candidates, the data is nonetheless relevant because it makes the point that several comments, including those previously submitted by the NRCC, have made: that the Commission is fully justified in drawing temporal lines with respect to the application of its coordination rules.

In fact, the data can be read as evidence that that Commission's current 120 day limit is over-inclusive. Instead, the data supports the view of the NRCC that the more appropriate time-frame is within 60 days of the general election. With respect to the general election, the data demonstrates that virtually all pertinent candidate spending occurred within 60 days of the election.

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[www.nrcc.org](http://www.nrcc.org)

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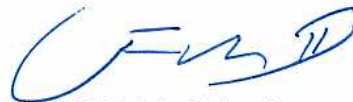
This is consistent with the actual spending by the NRCC. During the 2004 election cycle, all coordinated expenditures made by the NRCC for the 2004 general election were made within 60 days of the general election. The same is true of its independent expenditures – all the NRCC’s independent television and radio advertising, direct mail and related telephone calls were made within 60 days of the general election.

Critically, both the Commission’s data and the actual spending practices of the NRCC show that adoption of a 60 day time-period would not result in circumvention of the contribution limits. Per the data, candidates do not spend outside of 60 days – and there is no reason to think that spending done at the request or suggestion of a campaign would be any different, and occur outside of that time period.

The Commission’s data has its limitations. For example, although virtually all candidate spending occurred within 60 days of the general, a small number of ads appear to have run outside the 60 day pre-election window. But several states have primaries that occur in August and even September – thus, the small number of ads run outside of 60 days of the general should not be assumed to be ads designed to influence the general election, or otherwise skew the Commission’s analysis. And regardless, it does not change the actual spending practices of the NRCC – all relevant spending (even coordinated spending) occurred within 60 days of the general election.

Ultimately, the Commission’s data simply makes the point that the NRCC and others have already made: that the Commission is completely justified in limiting the reach of its coordination rules, without fear of circumvention, and specifically, is justified in limiting the relevant time period to 30 days before a primary election and 60 days before a general election.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. McGahn II', written in a cursive style.

Donald F. McGahn II